IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

LA.App..No. 844 of 2003(A)

LAR.79/1999 of PRL.SUB COURT,KOTTAYAM
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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS: CLAIMANTS:

JOSEPH, S/O. THOMAS,
KAVIL HOUSE, MALLOOSSERY, PERUMBAIKADU,
POWER OF ATTORNEY HOLDER MIDHU JOSE,W/O.JOBY JOSE,
IDAYANJILIYIL HOUSE, MALLOOSSERY KARA,
PERUMBAIKKADU VILLAGE, KOTTAYAM.

BY ADV. SRI.RAJEEV V.KURUP

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO.844 OF 2003

Dated 24th September, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in L.A.R.79/99 on the file of the Sub Court, Kottayam. The acquisition is for the purpose of construction of parallel road to M.C. Road, from Kottayam to Gandhinagar. The enhancement is only 60%. The reference court relied on Ext.A2 judgment in L.A.R.272/99 and on evidence, it was found that the acquired property and the property covered by Ext.A2 are more or less similar. They have been included in the same category also. The land value fixed in Ext.A2 is Rs.44,460/- per Are. In Ext.A2, an enhancement by 60% over that of the value awarded by the Land Acquisition Officer was given. It is also noted by the reference court that Ext.A2 has become final and hence the enhancement at par with Ext.A2 is only just and proper. Therefore, there is no merit in the appeal. It is dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. NO.844 OF 2003

J U D G M E N T

Dated 24th September, 2007.